

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

HERMAN WILLIAMS III,

Plaintiff,

v.

**OFFICER PATILLO and
OFFICER ROBERTS,**

Defendants.

Civil Action 7:10-CV-142 (HL)

ORDER

The Recommendation (Doc. 28) of United States Magistrate Judge Thomas Q. Langstaff, entered December 13, 2011, is before the Court. The Magistrate Judge makes two recommendations. First, he recommends that Defendant Roberts' Motion to Dismiss (Doc. 13) be granted. Second, he recommends that Plaintiff's Motion for Entry of Default (Doc. 17) be denied and Defendant Patillo be dismissed as a party.

Plaintiff has not filed an objection to the recommendation to deny the Motion for Entry of Default and dismiss Defendant Patillo. The Court has reviewed the Recommendation and finds no clear error in the Magistrate Judge's decision on that motion.

Plaintiff has filed an objection to the recommendation to grant the Motion to Dismiss. The Court has made a *de novo* review of that portion of the Recommendation. After careful consideration, the Court agrees with Judge Langstaff that Plaintiff has failed to exhaust his administrative remedies and the Motion to Dismiss should be granted.

Accordingly, the Court accepts and adopts the Recommendation (Doc. 28) in its entirety. Plaintiff's Motion for Entry of Default (Doc. 17) is denied. Defendant Patillo is dismissed from the case. Defendant Roberts' Motion to Dismiss (Doc. 13) is granted. The Clerk of Court is directed to close this case.

SO ORDERED, this the 19th day of January, 2012.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh